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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,807	08/02/2001	Akihiko Nagata	Q65684	4297

7590 11/27/2002

SUGHRUE, MION, ZINN,
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2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,807

Applicant(s)

NAGATA ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 10-13, 17-20 and 23-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

Claims 1, 2, 10-13, 17-20 and 23-25 are objected to because of the following informalities: some of the terms in the claims are not properly spaced. For example, pg 36, line 5, the sequence of terms does illustrate normal spacing when compared to the sequence of terms in line 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 13-17, 19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sporgis (USPN 6,320,495).

Regarding claims 1-3, 13-17 and 23, Sporgis discloses a game mastery support apparatus (system), which supports mastery of a game, the game mastery support apparatus comprising a distribution device that distributes mastery *information* for mastering a game to a portable device having a game execution function, wherein the distribution device distributes the mastery information according to mastery status information, which is obtained from the portable device

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and indicates a stage of the game to which a player has proceeded by disclosing in col. 2:5-19, participants are given clues directing them along a pre-determined route toward the treasure through the wireless communication device. Players must solve the clues in order to proceed along the pre-determined route and eventually to the treasure. A software program determines the *clue* to display to each game participant based on certain variables, including the present position of the participant and number of clues or messages that have been correctly interpreted. Sporgis discloses the mastery status information from the portable device includes flag information indicating a stage of the game to which the player has *proceeded* by disclosing in col. 4:20-24, the game is designed so that the clues given to players are dependent upon what segment the player is in, what segments other players are in, how many clues the players have properly solved, and how many points along the treasure hunt route each player has *passed*. Sporgis discloses a portable device, which receives information distributed by a game mastery support apparatus for supporting mastery of a game, and which has a game execution function, the portable device comprising a display screen, and a processing section that receives, from the game mastery support apparatus, distributed mastery information for mastering a game, and which displays the mastery information on the display screen by illustrating in fig. 1:11, a display screen, and disclosing in col. 3:9-15, the gamemaster determines the next clue to be given to a particular player based upon the player's location as well as other variables, such as the number of clues the player has correctly answered and the position of the other players. That next clue is then transmitted to the player and displayed on the player's wireless communication device.

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Regarding claims 19, 21 and 22, the claims disclose two separate portable device that exhibit different functions. The first portable device sends, to the game mastery support apparatus, mastery status information representing a game stage to be mastered. The second portable device receives information distributed by the game mastery support apparatus, and which is specified as destination of the mastery information. The second portable device, illustrating identical structure as the first portable device, includes a display screen and a processing section that receives, from the mastery support apparatus, the mastery information for mastering the game, and displaying the mastery information on the display screen. However, Sporgis discloses *one* portable device that performs the same tasks as *both* portable devices being claimed. Therefore, Sporgis clearly anticipates two separate portable devices with one portable device that exhibits the same functions, and presents the equivalent structure (i.e. display screen).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-12, 18, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporgis in view of Lee (USPN 6,475,089)

The disclosure of Sporgis has been discussed above is, therefore, incorporated herein. Sporgis also discloses distributing rarity added value information from the game mastery support apparatus to the portable device by disclosing in col. 3:61-65, the gamemaster transmits a first clue to each of the game players, who receive the clue on their web enabled wireless

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communication device. The first clue may be the same for all players or *individualized* for each player based on their location. However, Sporgis lacks in disclosing storing user information items, and a ranking information distribution device that includes an accumulator that accumulates information from players, a determining device that determines a rank of a player with reference to the accumulated information and a distributor that distributes ranking information pertaining to the determined rank. Lee, in an analogous game system, teaches a modem processing circuit comprising memory for keeping personal information of the players, system patches, and results of previous games (col. 7:24-26). Furthermore, Lee teaches, in col. 1:39-41 & col. 10:56-59, an arithmetic processing unit that determines a prescribed period of time, and implements processing for determining the ranking of the players within such period of time, laying more emphasis on the latest data. After the game results are transmitted back to the host computer the host computer transmits information on grades, ranking, etc. to each player. Therefore, it would have been to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lee into the disclosed invention of Sporgis. One would be motivated to combine the teachings of Lee with the disclosure of Sporgis in order to heighten the security of the game system by maintaining detailed records of all players currently engaged in the system, and rewarding players on their performances by providing a list that illustrates a player's skill and ability levels relative to other players.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to game mastery systems:

USPN 5,942,969 Wicks discloses a game mastery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM
November 19, 2002

V. Martin-Wallace
VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700